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RUEHNE/AMEMBASSY NEW DELHI PRIORITY 2088
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RUEHKO/AMEMBASSY TOKYO PRIORITY 3507
RUEHCG/AMCONSUL CHENNAI PRIORITY 8539
RUEHBI/AMCONSUL MUMBAI PRIORITY 5984
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RUEHGV/USMISSION GENEVA PRIORITY 2809
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 000551

SIPDIS

DEPARTMENT FOR SCA/INS

E.O. 12958: DECL: 06/05/2018

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SUBJECT: SRI LANKA: GOVERNMENT BLOCKS VIDEO TESTIMONY TO
THE COMMISSION OF INQUIRY

REF: COLOMBO 493

Classified By: Charge d'Affaires James R. Moore, for reasons 1.4 (b,d).

11. (C) SUMMARY: The Presidential Secretariat has directed the Commission of Inquiry to suspend all further hearing of video testimony from protected witnesses abroad in the cases of five Tamil students slain in January 2006 in Trincomalee and the massacre of 17 humanitarian workers of the French NGO ACF in August 2006 in Muttur. The government's position is that all such testimony should await the passage of witness protection legislation to be introduced this week in Parliament in order that the testimony could later be admissible in criminal proceedings. One provision of the law is that government representatives must be present at foreign locations where witnesses are giving testimony. The consensus of some of the Commissioners, the former witness protection experts for the International Independent Group of Eminent Persons (IIGEP) and Western missions in Colombo is that this provision could effectively end the Commission's work. However, repeated demarches at the most senior levels of the GSL by several Ambassadors have not succeeded in modifying the GSL's stance. Following instructions from SCA and L, Embassy will join other donors in instructing the former IIGEP experts through the responsible contractor for the IIGEP project, IOM, not to continue working on possible video testimony until these issues are clarified. Former IIGEP staff will continue to work on such close-out activities as archiving and an internal "lessons learned" report. End summary.

Government Puts Video Testimony on Hold

12. (C) Local press reported on June 3 that the Presidential Secretariat has ordered the suspension of all video conference testimony to the Commission of Inquiry (COI) until the passage of the new witness protection and victim assistance bill by Parliament, which may occur as early as the week of June 9. Video conference testimony to the Commission had been scheduled to resume on June 4, despite the GSL's decision not to provide funding for the local costs of the video testimony. The COI informed donors and IIGEP assistants on May 30 that they wished to proceed with the

video testimony and had decided to "self-fund" the local costs. (Note: It is unclear whether they obtained money from another source or planned to cover their costs from personal funds.) However, the COI's Secretary (not a Commissioner, but a COI staff person appointed at the recommendation of the Attorney General's office) informed the GSL of this decision, prompting the order to suspend videoconferencing. IIGEP assistant David Savage confirmed that COI Chairman Udalgama told him the Presidential Secretariat has ordered the COI not to hear any more video testimony until after the legislation is passed.

13. (C) The pending witness protection legislation, once passed, may effectively end all testimony from witnesses outside the country because it requires that a repr